

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GUARDANT HEALTH, INC.,

Plaintiff/Counterclaim-
Defendant,

vs.

NATERA, INC.,

Defendant/Counterclaim-
Plaintiff.

Case No. 3:21-cv-04062-EMC

**[PROPOSED] ORDER GRANTING
GUARDANT’S MOTION FOR
EVIDENTIARY AND MONETARY
SANCTIONS AGAINST NATERA FOR
MATERIAL MISREPRESENTATIONS
REGARDING NATERA’S EXPERT
WITNESS DR. HOCHSTER**

The Court has received Plaintiff and Counterclaim-Defendant Guardant Health, Inc.’s Motion for Evidentiary Sanctions Against Nater for Material Misrepresentations Regarding Natera’s Expert Witness Dr. Hochster (“Motion”).

Having considered the papers filed in support of and in opposition to the Motion, having heard oral argument and being fully advised and good cause appearing therefore, the Court **GRANTS** the Motion. The Court finds that Natera’s misrepresentations to the Court regarding when and how its expert witness Dr. Howard S. Hochster obtained the interim results from the COBRA Study, and regarding the existence of Dr. Hochster’s emails about the COBRA Study were baseless and in bad faith. The Court further finds that Natera’s misrepresentations prejudiced Guardant’s ability to conduct COBRA-related discovery and to prepare its case regarding the COBRA Study. Accordingly, as evidentiary sanctions pursuant to the Court’s inherent powers, Natera’s expert witness Dr. Howard S. Hochster is excluded and Natera is precluded from introducing any evidence at trial regarding the COBRA Study.

The Court further finds that monetary sanctions are appropriate to compensate Guardant for the attorneys’ fees incurred because of Natera’s misrepresentations. Within 30 days of this Order, Guardant shall submit the necessary papers identifying the amount of those fees.

IT IS SO ORDERED

DATED: _____

By: _____
HONORABLE EDWARD M. CHEN
United States District Court Judge